



MID-ATLANTIC ENVIRONMENTAL LAW CENTER

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March 31, 2008

Via Electronic Mail

Ruth Ann Price, Senior Hearing Examiner
Delaware Public Service Commission
861 Silver Lake Boulevard
Cannon Bldg., Suite 100
Dover, DE 19904

**RE: IN THE MATTER OF THE INVESTIGATION INTO THE ADOPTION
OF PROPOSED RULES AND REGULATIONS TO ACCOMPLISH
INTEGRATED RESOURCE PLANNING FOR THE PROVISION OF
STANDARD OFFER SERVICE BY DELMARVA POWER & LIGHT
COMPANY UNDER 26 DEL. C. § 1007(c) & (d)
PSC Regulation Docket No. 60**

Dear Hearing Examiner Price:

Please accept this correspondence as the Closing of Clean Air Council in the above-referenced matter. I was not aware previous to mid-afternoon that today was the deadline for filing such responses, as was stated by Counsel for Delmarva, and did not receive any prior notice of the same. As this is my first formal proceeding before the Commission, I was also not aware of the very rapid turn-around in transcripts from your court reporter company.

Since I am not in possession of the transcript at this time, I can only represent the following: the attached "bluelined" mark-up of IRP Regulation is the result of cooperative efforts between Jeremy Firestone and Clean Air Council in which we carefully restricted our changes to topics discussed and sections referenced at the hearing. Although the original "redlined" portion of the changes in the document are the ones provided in early March by Commission Staff, *for computer software reasons unbeknownst to me and beyond my control, the early March staff changes have become blue, and the Firestone / CAC changes of March 19 have become red, at least in the version that is in my possession and which I am attaching hereto.*

I am mindful of your directive to use citations, and regret that I cannot comply at this moment. If desired, I am willing to provide page citations (without argument or comment) for each of the March 19 changes once I am able to view a copy of the transcript.

The bluelined document indicates March 19, 2008, as that was the date we provided the same to Commission staff and Counsel. Unfortunately, as I ascertained from the Staff revision filed today, very few of the legitimate and reasonable changes discussed during the examination on March 12 have been offered now by Staff. It is my view that the language provided on March 19 best captures the nature of Commission action that is to be taken on an IRP—it is more than an “acknowledgement.” Staff witnesses agreed in testimony that the acknowledgement would not be given until after a full process of analysis and hearings. By recollection, the specific components of that process were stated on more than one occasion in the hearing by myself or Mr. Firestone, and Staff confirmed that is what they had in mind prior to “acknowledgement.” Based on these facts, it appears wise to dispense with the “acknowledgement” concept altogether and declare the Commission action an “Approval” albeit with qualifying language that such approval does not confer a ratemaking decision. If that is not acceptable, as an alternative, let us at least see the components of process admitted by Staff as precursors to “acknowledgement” by set forth with specificity in sections 1.7, 2.0, and 9.3.

Changes to section 9.3, which I believe was specifically raised at hearing, were made merely to create consistency throughout the document with related sections 1.7 and the 2.0 definition of Commission Approval.

The rest of the changes made by Firestone / CAC on March 19 are also supported in the transcripts and would make appropriate improvements to the value of IRPs for the purposes for which they have been re-initiated by the General Assembly under HB 6.

Respectfully submitted,

/s/ Michael D. Fiorentino
Michael D. Fiorentino, Esq.
Attorney for Clean Air Council

Enclosure

cc: Service List
Secretary Nickerson